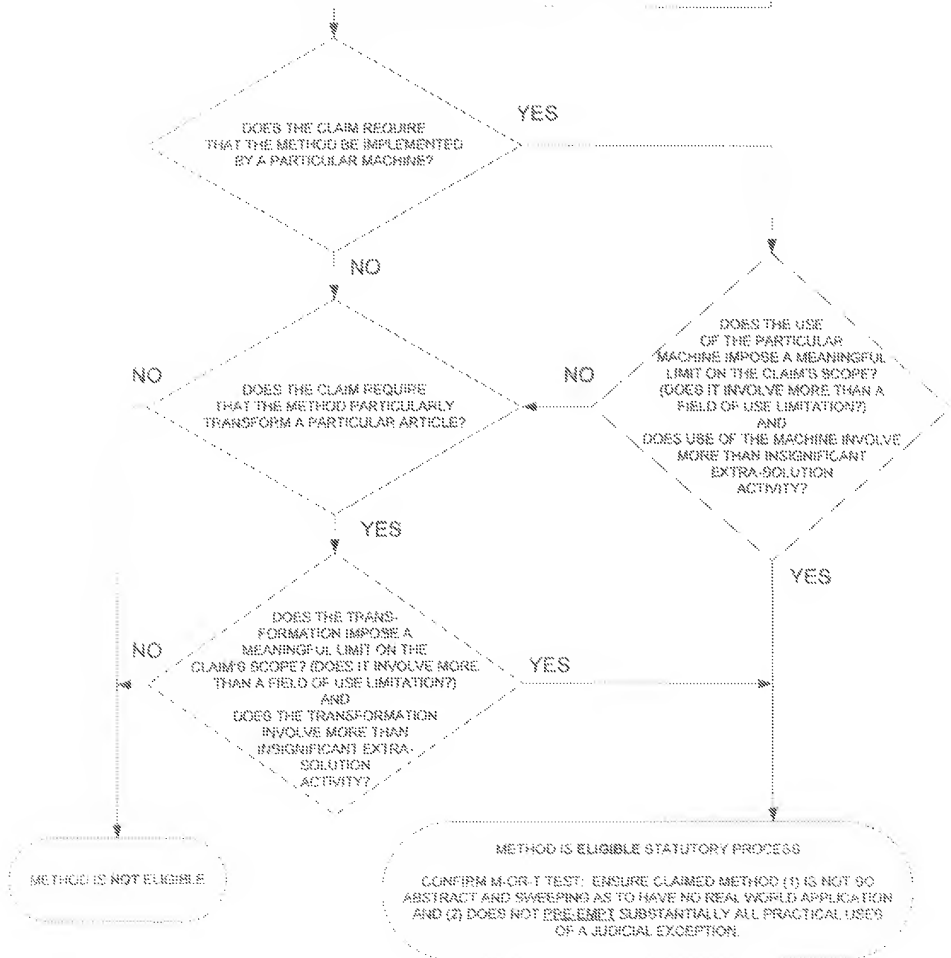# SUBJECT MATTER ELIGIBILITY TEST
(M-OR-T) FOR PROCESS CLAIMS

1. DETERMINE THAT THE CLAIM IS DIRECTED TO A PROCESS (A METHOD OR A SERIES OF ACTS OR STEPS).

2. TEST TO DETERMINE IF PROCESS IS STATUTORY BY USING THE MACHINE OR TRANSFORMATION (M-OR-T) TEST TO DETERMINE WHETHER THE CLAIM IS DIRECTED WHOLLY TO A JUDICIAL EXCEPTION (INELIGIBLE) OR TO A PARTICULAR PRACTICAL APPLICATION OF A JUDICIAL EXCEPTION (ELIGIBLE) USING THE FOLLOWING FLOWCHART.

DOES THE CLAIM REQUIRE THAT THE METHOD BE IMPLEMENTED BY A PARTICULAR MACHINE? — YES / NO

DOES THE CLAIM REQUIRE THAT THE METHOD PARTICULARLY TRANSFORM A PARTICULAR ARTICLE? — NO / YES

DOES THE USE OF THE PARTICULAR MACHINE IMPOSE A MEANINGFUL LIMIT ON THE CLAIM'S SCOPE? (DOES IT INVOLVE MORE THAN A FIELD OF USE LIMITATION?) AND DOES USE OF THE MACHINE INVOLVE MORE THAN INSIGNIFICANT EXTRA-SOLUTION ACTIVITY? — NO / YES

DOES THE TRANSFORMATION IMPOSE A MEANINGFUL LIMIT ON THE CLAIM'S SCOPE? (DOES IT INVOLVE MORE THAN A FIELD OF USE LIMITATION?) AND DOES THE TRANSFORMATION INVOLVE MORE THAN INSIGNIFICANT EXTRA-SOLUTION ACTIVITY? — NO / YES

METHOD IS NOT ELIGIBLE

METHOD IS ELIGIBLE STATUTORY PROCESS

CONFIRM M-OR-T TEST: ENSURE CLAIMED METHOD (1) IS NOT SO ABSTRACT AND SWEEPING AS TO HAVE NO REAL WORLD APPLICATION AND (2) DOES NOT PREEMPT SUBSTANTIALLY ALL PRACTICAL USES OF A JUDICIAL EXCEPTION.

SUBJECT MATTER ELIGIBLITY TEST

IS THE CLAIM TO A PROCESS, MACHINE, MANUFACTURE OR COMPOSITION OF MATTER? — **NO**

YES

GO TO PROCESS FLOWCHART TO TEST FOR PRACTICAL APPLICATION ← **YES** — IS IT A PROCESS CLAIM?

NO

NO ← DOES THE CLAIM RECITE AN ABSTRACT IDEA, LAW OF NATURE OR NATURAL PHENOMENON (JUDICIALLY RECOGNIZED EXCEPTIONS)?

YES

IS THE CLAIM AS A WHOLE DIRECTED TO A PRACTICAL APPLICATION OF THE ABSTRACT IDEA, LAW OF NATURE OR NATURAL PHENOMENON?

A MAN-MADE TANGIBLE EMBODIMENT WITH A REAL WORLD USE IS EVIDENCE OF A PRACTICAL APPLICATION. — **NO**

YES

DOES THE CLAIM COVER SUBSTANTIALLY ALL PRACTICAL APPLICATIONS OF THE EXCEPTION? (THE LIMITED OCCURRENCE OF PREEMPTION)

MATHEMATICAL SUBJECT MATTER STANDING ALONE, SUCH THAT USE OF THAT SUBJECT MATTER IN OTHER WAYS IS PRECLUDED, IS EVIDENCE OF PREEMPTION. — **YES**

NO ←

CLAIM QUALIFIES AS ELIGIBLE SUBJECT MATTER

CLAIM IS NOT ELIGIBLE SUBJECT MATTER